

REMARKS/ARGUMENTS

Applicants submit this Amendment in reply to the Office Action mailed March 25, 2004.

Applicants amend claims 29 and 58. Claims 39 and 58 have been amended to recite “wherein the equatorial groove portion of each transversal groove has a uniform width” and “wherein the shoulder groove portion of each transversal groove has at least a portion having a width smaller than the width of the equatorial groove portion” in order to better define the invention. Before entry of this Amendment, claims 39 –62 were pending in this application. After entry of this Amendment, claims 39 –62 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 39 and 58. For example, Figure 2 shows transversal grooves 15 having a reduced width or constriction 20.

Examiner Interview

Applicants thank the Examiner for meeting with Applicants’ representative on June 22, 2004. During the interview, the Applicants’ representative and the Examiner discussed claims 39 -62 and the prior art of record. No agreement was reached as to whether any claims would be allowable based on the proposed amendment.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action dated March 25, 2004, the Examiner rejected claims 39-48, 50-53, and 55-58 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 2,104,532 to Sommer (“Sommer”) in view of Great Britain Patent No. 2,224,472 (“Great Britain ‘472”), alleged admitted prior art (specification page 3, lines 1-5, “AAPA”) or U.S. Patent No. 1,996,418 to Hargraves (“Hargraves”). The Examiner also rejected claim 49 under 35 U.S.C. § 103 (a) as

being unpatentable over Sommer, Great Britain '472, the alleged admitted prior art or Hargraves, and further in view of European Patent Application No. 688,685 to Takahashi ("Takahashi"). In addition, the Examiner rejected claim 54 under 35 U.S.C. § 103 (a) as being unpatentable over Sommer, Great Britain '472, AAPA or Hargraves, and further in view of European Patent Application No. 565,270 to Himuro ("Himuro"). The Examiner further rejected claims 59 –62 under 35 U.S.C. § 103 (a) as being unpatentable over Sommer, Great Britain '472, AAPA or Hargraves, and further in view of European Patent Application No. 722,851 to Guspodin et al ("Guspodin").

Independent Claims

Applicants respectfully traverse the Examiner's rejection of claims 39 and 58 under 35 U.S.C. § 103 (a) under Sommer in view of Great Britian '472, further in view of AAPA or Hargraves. Applicants respectfully submit that independent claims 39 and 58 are patentable under 35 U.S.C. § 103 (a) and are not obvious under Sommer in view of Great Britian '472, further in view of alleged prior art or Hargraves. Applicants note that claims 39 and 58 have been amended to recite "wherein the equatorial groove portion of each transversal groove has a uniform width" and "wherein the shoulder groove portion of each transversal groove has at least a portion having a width smaller than the width of the equatorial groove portion." Applicants submit that none of the applied references teaches or suggests at least these claimed features.

In the present case, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has not shown that Sommer, Great Britain '472, the AAPA or Hargraves, whether alone or in combination, teach all the present claim limitations. *See also*, M.P.E.P. §§2143.01.

None of the applied references, taken alone or in combination, teaches or suggests each and every limitation of claims 39 and 58, for example. Sommer, Great Britain '472, the alleged prior art, Hargraves, Himuro and Guspodin each fail to show transversal grooves “wherein the shoulder groove portion of each transversal groove has at least a portion having a width smaller than the width of the equatorial groove portion.” Sommer shows grooves of uniform width over the entire tread, including the shoulder portion (Figure 1), as does Great Britain '472 (groove portion 20), Himuro (groove portion 5), and Guspodin (Figure 4). Hargraves shows grooves that are wider in the shoulder portion (19), and do not have “a width smaller than the width at the equatorial groove portion” as recited in claims 39 and 58.

While Figure 6 of Takahashi shows grooves which narrow in the shoulder zone (W1), Takahashi teaches away from the equatorial groove portion of each transversal groove having a uniform width, as recited in amended claims 39 and 58. In particular, Takahashi discloses non-uniform grooves having a width W0 in the middle region and a smaller width W2 at the end of the equatorial portion (Figure 6).

Accordingly, claims 39 and 58 are allowable over the applied references.

Dependent Claims

Applicants submit that dependent claims 40-57 and 59-62 are also patentable under 35 U.S.C. § 103(a) at least due to the direct or indirect dependency of claims 40-57 and 59-62 from independent claims 39 and 58.

Claim Rejections Under Obviousness-Type Double Patenting

Applicants respectfully traverse the Examiner's double patenting rejection of claims 39 - 62 of U.S. Patent No. 6,656,300. In order to expedite prosecution of the present application,

however, Applicants submit herewith a Terminal Disclaimer obviating the Examiner's double patent rejection. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary


In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: August 25, 2004

By: 
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